

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUN 25 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 09 2004

The applicant **Dwayne and Daphne Hofschulte** hereby make application for permission to change the **point of diversion and place of use of a portion** of water heretofore appropriated under #38483

1. The source of water is **Underground**
2. The amount of water to be changed **1.0 c.f.s. (325.24 acre-feet)**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **NW¼ NE¼ Section 16, T.34N, R.62E., M.D.M. from which the N¼-corner of said section 16 bears N. 87° 03' 00" W., 1,299.22 ft. dist.**
6. The existing permitted point of diversion is located within **SW¼ NE¼ Sec. 5, T.34N., R.63E., M.D.M. from which the NE corner of said Sec. 5 bears N. 28° 24' E., a distance of 2,424.0 feet.**
7. Proposed place of use **S½ SE¼, Sec. 9 in T.34N., R.62E., M.D.M. (81.31 acres)**
8. Existing place of use **N½ of Section 5, T34N, R63E MDM (Lots 1 & 2, Sec. 5, T.34N., R.63E., M.D.M. (81.31 acres) removed from irrigation)**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **drilled and cased well (existing), submersible or line shaft pump and motor, pipeline to irrigated land.**
12. Estimated cost of works **\$30,000.00**
13. Estimated time required to construct works **3 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: Proposed point of diversion and place of use are on land owned by the applicants. Report of conveyance of a portion of permit #38483 is also herewith submitted. Please send copies of notices and correspondence to the undersigned agent.

s/ William A. Nisbet
By William A. Nisbet, Agent
421 Court Street
Elko, NV 89801

Compared aem/ gkl ag/hk

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 38483 is issued subject to the terms and conditions imposed in said Permit 38483 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This is for irrigation of 81.31 acres within the described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 325.24 acre-feet annually, and not to exceed a yearly duty of 4 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:
March 14, 2007

Proof of completion of work shall be filed on or before:
April 14, 2007

Water must be placed to beneficial use on or before:
March 14, 2010

Proof of the application of water to beneficial use shall be filed on or before:
April 14, 2010

Map in support of proof of beneficial use shall be filed on or before:
March 14, 2010

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 14th day of March, A.D. 2006


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____